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THE ANDHRA PRADESH GAZETTE

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,**

4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.03/ATP/M/2017/Z-IV.

Date: 21-09-2022.

ANANTAPURAMU DISTRICT - GOOTY TOWN AND MANDAL - JAMIA MASJID -
Sri MULLA ABDUL RASHEED, S/o. Late MULLA SATTAR AND Sri D. MOHAMMED
SHAFI ARE APPOINTED AS MUTAWALLIES U/Sec.63 OF WAQF ACT, 1995
FOR A PERIOD OF TWO (2) YEARS.

Read : 1) Representation of Sir. Mulla Abdul Rasheed, S/o late Mulla Sattar
R/o.Gooty Town, Anantapuramu District, Dated: 20-11-17.
2) This Office Paper Notification of even No., Dt: 15-03-2018.
3) Report of the IA Waqfs, Anantapuramu District along with its
documents, Dated:04-04-2018.
4) Complaint Petition Dt: 28-06-2018 filed by Sir.N.Hussain Peera and
others against the Paper Notification.
5) Boards Resolution No.161/2018, dated:13-11-2018.
6) This office memo dated:28-11-2019 addressed to the Writ Petitioner
i.e. Mulla Abdul Rasheed.
7) Representation dated.30-07-2021 of Sri. Mulla Basheer
8) This office memo of even No. dated:06-08-2021.
9) Report of I.A Waqf, Anantapuramu District, dated:06-10-2021.
10) Board's Resolution No.374 of 2022, dated:25-08-2022.
11) Orders of the Hon'ble Chairperson, APSWB, dated.16-09-2022.

ORDER:

The Waqf Institution namely Mosque known as Jamia Masjid situated at Gooty Town, Anantapuramu District is having attached landed property in Sy.No. 488 to an extent of Ac. 5.06 cents, Sy.No.490 to an extent of Ac.1.61 cents, Sy.No. 626 to an extent of Ac.2.35 cents, Sy.No.306/B to an extent of Ac.10.28 cents, Sy.No.306/C to an extent of Ac.2.52 cents and Sy.No. 313 to an extent of Ac.1.62 cents of Gooty are notified Waqf and got published in the AP Gazette No.26, Part-II, Dated:28-06-1962 under Sl.No.1217 at Page No.776 & 777 under the Towliath of 1.Mulla Sattar Saheb and 2.Mulla Sulthan Mohiuddin and the rule of succession to the office of Mutawallies are hereditary by custom as per Commissioner's report on the Survey of Waqf.

Sri. Mulla Abdul Rasheed, S/o Late Mulla Sattar, has represented to this office vide ref. 1st read above, requested to recognize him as a Mutawalli to the subject Waqf Institution.

The report from the Inspector Auditor, Waqfs, Anantapuramu District was obtained and issued a Paper Notification for calling claims and objections vide ref. 2nd read above, which was published in the Sakshi Daily District edition of Anantapuramu on 18-03-2018. The I.A. Waqfs, Anantapuramu District has submitted his report vide ref.3rd read above along with notification that there are no claims and objections received against the said Paper Notification.

Sri. N. Hussain Peera and others have filed objection petition against the Paper Notification directly addressing to the Board vide ref. 4th read above, for not to recognize to Sir. Mulla Abdul Rasheed as Mutawalli to the subject Waqf Institution as the applicant's father and his grandfather were sold out the some attached Inam lands of subject Waqf Institution.

Sir. Mulla Abdul Rasheed, S/o late Mulla Sattar filed a W.P.No 32239/2018 against the AP State Waqf Board & (2) others, for constitution of the Managing Committee dated:30-08-2018 and also to recognize him as a Mutawalli U/Sec.42 of the Waqf Act, 1995 as per hereditary right.

In the aforesaid W.P.No.32239/2018 the Hon'ble High Court passed interim suspension orders against the Proceedings Dt:30-08-2018 issued by this office. The I.A. Waqfs, Anantapuramu District, has reported along with copy of orders passed by Hon'ble High Court and requested to take necessary action. The matter has been placed before the Board meeting on 13-11-2018 and the Board was passed resolution No.161 of 2018, dated:13-11-2018 and the same is reflected here under.

"The subject matter has been discussed. It is unanimously resolved to defer the matter to subsequent meeting".

The Hon'ble High Court of AP has passed orders on 31-10-2019 in W.P.No.15389 of 2019 and direct the 2nd responded i.e. CEO, APSWB to consider the representation of the petitioner i.e Mulla Abdul Rasheed, dated:20-04-2017 and pass appropriate orders, within six (6) weeks from the date of receipt of a copy of this order.

After the receipt of above said orders, this office has issued memo to Writ Petitioner of Sri.Mulla Abdul Rasheed vide ref.6th read above, to submit copy of representation dated:20-04-2017 as mentioned in the Writ Petition No. 15389 of 2019 to this office for onward process.

Sri. Abdul Rasheed has filed W.P. No. 11812 of 2021 against the Prl. Secretary to Govt. M.W.Dept., and CEO, APSWB, Vijayawada before the Hon'ble High Court that inaction of the 2nd respondent (i.e. CEO, APSWB) on the petitioners representation dated.23-03-2021 to issue direction for permitting the petitioner to discharge his legitimate duties as a hereditary Mutawalli of Jamia Mosque, Gooty.

The Hon'ble High Court of AP has passed orders on 24-06-2021 in W.P.No.11812 of 2021 the Writ Petition is disposed off with a directions to respondents (Prl.Secretary to Govt. M.W. Dept and. CEO, APSWB) to pass appropriate orders / take appropriate action on representation 23-03-2021, as expeditiously as possible, preferably within period of (2) weeks from the date of receipt of this orders.

This office has called detail report vide ref. 8th read above from the I.A Waqf, Anantapuramu District on the petition received vide ref.7th read above from Mulla Basheer for appointment of Mutawalli in place of his grandfather i.e. Mulla Sultan Mohiddin (2nd notified Mutawalli of the institution).

In the ref. 9th read above, the I.A, Waqf, Anantapuramu District has submitted a report that the subject institution and its attached properties are under direct management of AP State Waqf Board Vijayawada. He further reported that the legal heirs of the subject Masjid has sold the attached lands about 40/50 years back and the subject institution condition is miserable. Previously the respectable Muslim elders of Gooty have been taken the management of Masjid and recovered land in Sy.Nos.488 and 490 situated at Gooty Municipal limits and constructed function halls, Shops and Gareb Nawaz Masjid.

The I.A. Waqf, Anantapuramu District further reported that the Mulla Basheer has been doing services to the subject Masjid and also performing occasions of festivals

and death ceremonies as stated by the musallies. The I.A. Waqf, Anantapuramu District further reported that the applicant of Sri. Mulla Basheer is grandson of the notified Mutawalli of late Mulla Sultan Mohiuddin and also submitted NOC infavour of Sri.Mulla Basheer, the eviction of encroachment is under Process, there are the (10) court cases were pending before the Hon'ble Junior Civil Judge, Gooty with regard to encroachment. Further the said institution is having Elahi Function hall, Nizami Function hall, (11) permanent shops and (19) temporary shops and the I.A. Waqf, Anantapuramu District finally reported that to take proper action to appointment of Mutawalli Sri.Mulla Basheer in place of his grandfather in respect of subject institution.

The subject matter was placed before the Board and the Board has passed resolution vide No. 374 of 2022, dated.25-08-2022 in the ref.10th read above to appoint (1) Janab Mulla Abdul Rasheed as Mutawalli in place of Janab Mulla Sattar and (2) Janab D.Mohammed Shafi as Mutawallies U/sec. 63 of Waqf Act, 1995 for a period of two (2) years for the subject Waqf institution.

Accordingly, Janab Mulla Abdul Rasheed, S/o. Janab Mulla Sattar and (2) Janab D.Mohammed Shafi are hereby appointed as Mutawallies U/sec. 63 of Waqf Act, 1995 for a period of two (2) years for Jamia Masjid situated at Gooty Town and Mandal, Anantapuramu District for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawallies should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereto.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.

- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not be entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also note that Sec.3(ee) defined encroacher, Sec. 52-A explains rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / withhold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To

- 1.Sri. Mulla Abdul Rasheed, S/o.late Mulla Sattar
- 2.Sri.D.Mohammed Shafi, S/o. D. Mohammed Rasool.
Mutawallies of Jamia Masjid, Gooty Town and Mandal,
Anantapuramu District

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